

1 HONORABLE JOHN C. COUGHENOUR  
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10 UNITED STATES DISTRICT COURT  
11 FOR THE WESTERN DISTRICT OF WASHINGTON

12 BERNADEAN RITTMANN, FREDDIE  
13 CARROLL, JULIA WEHMEYER, and RAEF  
14 LAWSON individually and on behalf of all  
15 others similarly situated,

16 Plaintiffs,

17 v.

18 AMAZON.COM, INC., and AMAZON  
19 LOGISTICS, INC.,

20 Defendants.

21 No. 2:16-cv-01554-JCC

22 DECLARATION OF PHILIP TIEMANN  
23 IN SUPPORT OF DEFENDANTS'  
24 OPPOSITION TO PLAINTIFFS'  
25 MOTION FOR NOTICE TO BE ISSUED  
TO SIMILARLY SITUATED  
EMPLOYEES PURSUANT TO 29 U.S.C.  
§ 216(b)

26 ORAL ARGUMENT REQUESTED

27 NOTE ON MOTION CALENDAR:  
28 JANUARY 20, 2017

29 DECLARATION OF PHILIP TIEMANN  
30 NO. 2:16-CV-01554-JCC

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34 +1.609.919.6600

## DECLARATION OF PHILIP TIEMANN

I, Philip Tiemann, hereby declare as follows:

1. I have personal knowledge of the factual statements set forth in this declaration.

2. I have worked as a Delivery Provider (“DP”) in the Amazon Flex program for approximately one year. When I first signed up to work through the app, I relocated my driving business to the Farmers Branch, Texas location. In November 2016, I transferred to the Regent Road location in Dallas, Texas. Amazon did not tell me I had to make this change. Instead, I chose to move for a variety of reasons, including my own personal convenience and the availability of work.

3. I consider myself semi-retired. I have already had a long career as a business owner, senior executive, and consultant. I collect social security and retirement benefits, but I started working because I wanted something to do and to get a little bit of exercise. Now, I primarily work as a DP because I think it is fun and I like getting outside and getting exercise. While I like the pay and it definitely encourages me to work, the money I earn through the Amazon Flex program is not my primary income. If I ever got to a point that I didn't think working as a DP was fun, I would quit doing it.

4. I usually take about four or five blocks per week. I typically only work Monday through Friday, and I schedule my blocks around dropping off my son for school at 8:00 a.m. and picking up from school at 3:30 p.m.

5. My typical blocks average 40-50 packages. The most packages I have ever had in a block was 70 packages. The fewest typically would be 20 packages. On one occasion, I

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1 accepted a block, showed up as Farmers Branch, and no more blocks were left to be delivered.  
2 Amazon still paid me for the block because my bid had been accepted and even though I did not  
3 perform any work that day.

4 6. Approximately six or eight times over the last year I have also delivered “white  
5 glove” blocks of problem packages. These blocks typically include only a small number of  
6 packages but require urgent delivery or have proven problematic on earlier runs. “White glove”  
7 blocks don’t take as long as regular blocks.

8 7. I did not get any training from Amazon when I became a DP other than reviewing  
9 a few videos on the app. As a result, I have used my prior experience to come up with my own  
10 ways of doing things to deliver my packages as quickly and effectively as possible.

11 8. For example, I have a unique system of organizing my blocks. First, I review a  
12 route sheet. Using the route sheet, I sort the packages by neighborhood on the rack and on the  
13 ground outside my vehicle. I put the first neighborhood I plan to visit in the front and work my  
14 way back. Within each neighborhood, I organize the packages by address. I do not think other  
15 DPs use this method. In fact, several DPs have asked me about my method since they see me  
16 organizing my packages ahead of time rather than just loading them into my car. I have found  
17 these extra few minutes of sorting time have saved me more than half-an-hour of travel time on  
18 some days.

19 9. As another example, I take extra steps to make myself visible when I am working  
20 in neighborhoods so it is clear that I am there to deliver packages. For instance, I use my  
21 flashers at all times as I drive on neighborhood streets much like a mail or delivery truck.

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1       10. I also have my own way of handling navigation. While delivering, I use two  
2 devices: a smartphone and a tablet. I will frequently run routes through different programs on  
3 each device to try to find the most efficient delivery path.

4       11. My delivery strategies allow me to frequently deliver packages in less than the  
5 amount of time allotted for my block.

6       12. I will occasionally drive for Lyft in addition to doing work as a DP. I most  
7 frequently do Lyft driving when I finish a block and I would like to earn extra money on the  
8 drive back towards my house.

9       13. As an independent contractor, I am able to deduct my business expenses as part of  
10 my taxes at end-of-year. I've been keeping track of my mileage and other costs so that I can take  
11 those deductions.

12       14. I've had lots of people ask me about the Amazon Flex program since I started,  
13 and they frequently ask me if I can "put in a good word for them" to help them get a job as DP  
14 since I have done so much work as a DP. I'm always amused by those requests because this job  
15 just isn't one where you get a contract that way. As I always tell them, the only way to get  
16 involved with being a DP is to get a contract through the app and start taking blocks.

17       15. I understand that this declaration is being provided in connection with lawsuits  
18 brought against Amazon by current and/or former DPs who claim that Amazon should have  
19 classified them as employees and paid minimum wage and overtime. I understand that the  
20 plaintiffs are seeking to represent current and former DPs, including me, in a collective action  
21 lawsuit. I understand that I may be invited to join the lawsuit and that I could be eligible to  
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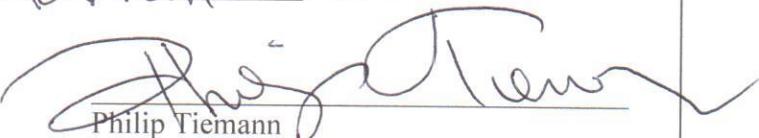
26       DECLARATION OF PHILIP TIEMANN  
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1 participate. What I say in this declaration is the truth. I also understand that the lawyer(s) who  
2 interviewed me and prepared this declaration for me represents Amazon and does not represent  
3 me.

4 16. I am providing this statement voluntarily and without any duress, threats,  
5 intimidation or coercion. I understand that I did not have to give this declaration, can provide or  
6 refuse to provide a declaration or testimony, and know that giving information in this declaration  
7 is not a condition of my contract with Amazon. I attest to the information in this declaration  
8 voluntarily and of my own free will.

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10 I declare under penalty of perjury of the laws of the United States that the foregoing is  
11 true and correct to the best of my knowledge, information, and belief.

12 Executed on January 12 2017 in Tarrant, Texas.

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Philip Tiemann

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